IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.24 OF 1993.

The State of Maharashtra : Appellant.

versus

Shri Krishna Chandrakant

Padval & ors. : Respondents.

Mr.B.R.Patil, Government Pleader, for the State.

None for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 10th January 2005.

ORAL ORDER

1. Heard learned Government Pleader for the State who has filed this appeal challenging the enhancement of the compensation by the IIIrd Additional District Judge, Riagad - Alibag by his judgment dated 4.2.1992. Nobody appeared for the respondents/claimants when the matter was called out.

2. The land acquired in this case is S.No.18 H.No.1-A, area 3870 sq.mtr. situated at village Valavali, Tal.Panvel. The claimants have examined Shri Jeevan Kulkarni - the land valuer and the lower Court has quoted from his evidence that Shri Kulkarni has prepared a map and valuation report showing the surrounding developments like railway line of Diva Panvel Apta, Petrol Pumps, MIDC Industrial Estate, Jawahar Industrial Estate, Bombay Poona National Highway, Tembhode-Valavali Road, Panvel Industrial Estates and the court references in which the Court has awarded rate of Rs.10/- per sq.mtr. for the lands involved in LAR 266/87, 267/87, 274/87 from village Valavali.

3. In para 9 of the impugned judgment, the lower Court has also taken note of the award of compensation at Rs.10/- per sq.mtr for the lands situated at Valavali. To the claimants the Court has awarded Rs.11/- per sq.mtr. There is not much difference between Rs.10/- and Rs.11/- and One Rupee addition appears to be because of the facilities like land being situated in Valavali Gaothan, Proximity of Kalamboli Railway Station,

proximity of Sion Panvel Highway, Jawahar Industrial Estate and, therefore, I do not find any fault in the judgment of the lower Court by which the compensation at Rs.11/- per sq.mtr was awarded. There is no merit in this appeal. The appeal is dismissed. No order as to costs.

[D.G.DESHPANDE]

10/01/2005 JUDGE.